



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3013046
Applicant: Jeff Woodward
Address of Proposal: 4821 S Fontanelle St.

SUMMARY OF PROPOSAL

Land Use Application to allow a new 2-story, 6,500 sq. ft. religious facility in an environmentally critical area. (Van Hanh Buddhist Temple). Existing temple to remain. Existing storage shed to be removed. Surface parking for 25 vehicles will be provided on the site.

The following approvals are required:

Administrative Conditional Use – to allow expansion of a religious facility in a single family zone (SMC23.44.022)

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

SITE AND VICINITY

Site Location: The property is located about 235 feet west of Rainier Ave S., on the south side of S. Fontanelle St.

Project description: The proposal is to expand an existing Buddhist temple with the addition of a new 2-story, 6,530 sq. ft. (total) temple structure. The project has been modified since the original application to reduce the number of proposed on-site parking spaces from 40 to 25. The proposed landscaped buffers on the south and west perimeters have been increased.

The existing activities on-site include: Residential use of the property by four people with 3 to 4 guests, daily; Saturday school attended by 80 to 90 children between the ages of 7 and 15; Sunday services attended by approximately 50 people; and three annual events attended by 150 to 250 people. These activities are expected to remain under the proposal.

Zoning: The site is split-zoned, and is predominantly Single Family 5000, as are properties to the north, south and west. The eastern approximate 30 feet of the site is zoned Lowrise Three Multifamily. The LR3 zoning continues to the north and south along both sides of Rainier Ave. S. for a few hundred feet before transitioning to Neighborhood Commercial.

Parcel Size: 41,867.5 sq. ft.

Existing Use: Van Hanh Temple (to remain).

Environmentally Critical Areas (ECAs): There are steep slopes along the eastern and southern property lines, however, the property was granted a limited ECA exemption (under DPD No. 6304888). DPD's geotechnical engineer determined that a steep slope variance is not required for the project, but that the general and landslide-hazard ECA standards still apply.

Public Comment: The public comment period ended on July 18, 2012. One comment letter was received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is an addition to an existing religious facility which is allowed in a single family zone through administrative conditional use approval. The DPD Director has the authority to approve condition or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property, pursuant to SMC 23.42.042. The applicable criteria used for evaluating and or conditioning the applicants' proposal are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

The plans submitted for the addition meet applicable development standards detailed in Section 23.44.008 through 23.44.016. Regarding height, the limit in single family zones is 30 feet, with an additional five feet allowed for pitched roofs. Religious symbols for religious institutions may extend an additional 25 feet above the height limit. According to the plans, a religious symbol will extend an additional five feet above the roof. This criterion has been met.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

The existing institutional boundaries are not expanding with this proposal; therefore, this criterion is not applicable.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

Demolition of residential structures is not proposed; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The proposal does not include the conversion of existing structures to institutional use; therefore, this criterion is not applicable.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

On-site activities will not substantially change as a result of this proposal. However, activities which previously occurred outdoors will be relocated into the proposed temple structure which is expected to reduce overall noise impacts to the neighbors. Activities and potential noise impacts are described on Sheet N1 of the plan set (received September 4, 2012).

As explained in the noise analysis provided by the applicant, existing activities currently include outdoor activities which will be relocated into the proposed structure. Sunday services and special events currently use amplified sound which will be relocated from under an outdoor canopy into the structure, which should reduce existing noise impacts to neighbors especially to the south and east. To further mitigate potential noise impacts, all windows on the south and east side of the new temple structure will be fixed (i.e. inoperable) and a sign will be placed above the doors which will read: "These doors to remain closed during the (3) annual holiday events."

In addition, a six-foot solid wood fence and landscaped buffers will be installed along the south and west property lines adjacent to the proposed parking area to further mitigate potential noise associated with parking.

With the proposed mitigation measures described above, this criterion has been met.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The project has been revised to include a landscaped buffer and six-foot solid wood fence along the south and east property lines adjacent to the new parking area, as shown on Sheet L1 (submitted September 4, 2012). Existing mature trees along the south property line will be maintained, as shown on the plans.

No further landscaping will be required. This criterion has been met.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

The project has been revised to eliminate all proposed exterior lighting from the parking area. The six-foot solid wood fence along the perimeter of the parking area will mitigate potential headlight glare. No light and glare impacts on adjacent residentially zoned lots are anticipated to occur. This criterion has been met.

K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*
 - b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

The subject site has a lot area of 41,867.5 sq. ft., slightly less than one acre. Therefore this criterion does not apply. However, the proposed temple structure will be located behind existing structures designed as residences. So, the continuity of the street frontage will remain intact.

2. *Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit side yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposed development meets yard requirements. This criterion has been met.

3. *Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

As discussed above, religious symbols for religious institutions may extend an additional 25 feet above the height limit. According to the plans, a religious symbol will extend an additional five feet above the roof. Therefore, this criterion has been met.

4. *Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

All four facades exceed 30 feet in length. However, the northern facade is set back about 100 feet from S. Fontanelle St., and the proposed temple is located behind existing structures. The eastern facade is setback more than 90 feet from the east property line and the southern facade is setback about 55 feet from the south property line and is separated from it by a landscaped buffer and a six-foot solid wood fence.

The western facade is setback ten feet from the west property line, but is modulated with gables and other ornamental features as shown on Sheet A4 (submitted September 4, 2012). There is also a landscaped buffer and six-foot solid wood fence between the western facade and along the western facade and west property line. Landscaping, modulation and structure setbacks from property lines adequately address facade length and no further mitigation is required. This criterion has been met.

L. Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section.

The proposal originally included 40 on-site parking spaces. In response to a DPD correction notice the applicant revised the project to reduce the number of parking spaces to more closely reflect the demand described in their transportation management plan (described below). The reduction in the number of parking spaces also allowed the landscaped buffer between the proposed temple and accessory parking lot to be expanded. Thirty-four (34) parking spaces are required by the Land Use Code; 25 are provided.

Parking demand is described on Sheet T1 of the plans (submitted September 4, 2012). According to the information provided, two cars are utilized by residents, and an additional 3 to 5 guests visit the temple on a daily basis. Weekend parking demand consists of Saturday school service attended by about 90 children who arrive on foot, by bus or are dropped off by their parents. On Sundays, about 50 people attend services but due to ride sharing the estimated number of parking spaces needed is about 15 to 20 (in addition to the daily parking needs). On three major holidays, as many as 150 to 250 guests may be anticipated. On these occasions, parking overflow does occur along S. Fontanelle St. and a half-block in all directions from the intersection of S. Fontanelle St. and 48th Ave. S. During events, the temple also uses designated staff to direct traffic and parking on-site.

The project is located in an area of frequent transit service with headways of 15 minutes or less at least 12 hours a day, six days a week and bus stops located within 300 feet of the site. Parking for ten bicycles will be provided, according to the plans. The applicant has proposed a notification system to provide neighbors with information about special events as part of their transportation management plan, described below.

Overflow parking is expected to occur infrequently (about three times a year). If additional parking spaces were provided they would be unused most of the time but would result in a smaller landscaped buffer to the single family property line to the south. The applicant has provided a notification plan to be used in the event that overflow parking is expected to occur. Transit is readily available and bicycle parking is provided. For all of these reasons, the Director waives nine (9) required parking spaces. No loading berth modifications are requested. No additional parking or mitigation for parking impacts is required. This criterion is met.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

As described in *Parking and Loading Berth Requirements*, above, the applicant has provided a Transportation Management Plan as shown on Sheet T1 of the plans. The Plan would be implemented during the three annual holidays during which higher than normal traffic and parking demands are anticipated and would consist of the following elements:

- 1) The applicant will distribute an "Event Notification" flyer ten days in advance of the event to alert neighbors to potential parking overflow impacts. The flyer will be distributed to neighbors along 48th St. from S. Othello St. to S. Austin St. and along S. Fontanelle St. from 46th Ave. S. to Rainier Ave. S.
- 2) Designated staff will direct traffic and parking at the temple entrance and on-site.

The Transportation Management Plan with these elements will be required as a conditional of approval. No additional mitigation for transportation impacts is required. This criterion is met.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Director has determined that the use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. The conditional use application is **Conditionally Granted**. Conditions are listed below.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 20, 2012, and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Codes and development regulations applicable to this proposed project, including the Tree Ordinance, Noise Ordinance, Grading Code, Stormwater Code, Building Code, Street Use Ordinance (Title 15), ECA Code, Land Use Code, and Puget Sound Clean Air Agency (PSCAA) will provide sufficient mitigation of most identified impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). There are however, some short and long-term project impacts which warrant additional discussion and mitigation.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic due to construction-related vehicles, increased soil erosion and stormwater runoff, loss of trees and vegetation, and increased noise during construction. Due to the temporary nature and limited scope of these impacts, they are not considered to be significant.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code; Drainage Code; Street Use Ordinance; Building Code; Tree Ordinance, and the Noise Ordinance. Compliance with these applicable codes and ordinances will, with the exception of construction noise, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. Further analysis and conditioning of some short term impacts are warranted.

Construction Impacts

Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. and to non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above stated parameters (but within limits of the Noise Ordinance) may be authorized by the DPD Land Use Division when a Construction Management Plan is provided and approved by DPD.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased ambient noise due to increased human activity; increase in bulk and scale, increased demand on public services and utilities; increased light and glare; increased traffic and parking; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope or mitigated by adopted codes and ordinances such as the Land Use Code, required conditions of the Administrative Conditional Use, and Noise Ordinance.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - SEPA

During Construction

1. In order to mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to between the hours of 7:30 a.m. and 6:00 p.m. on non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above-stated restrictions (but within the limits of the Noise Ordinance) may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

For the Life of the Project

2. The landscaped buffers and six-foot solid wood fence, as shown on Sheet L1, shall be installed and maintained for the life of the project.
3. The Transportation Management Plan, described on Sheet T1 and including the following elements shall be implemented for the life of the project:
 - a) The applicant will distribute an “Event Notification” flyer ten days in advance of the event to alert neighbors to potential parking overflow impacts. The flyer will be distributed to neighbors along 48th St. from S. Othello St. to S. Austin St. and along S. Fontanelle St. from 46th Ave. S. to Rainier Ave. S.
 - b) Designated staff will direct traffic and parking at the temple entrance and on-site.

Signature: (signature on file)
Molly Hurley, Senior Land Use Planner
Department of Planning and Development

Date: October 25, 2012